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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00726 CW
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING AND
v.)	EXCLUDING TIME
)	
LAURO CORRAL,)	
)	
Defendant.)	

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. A hearing for disposition or trial setting in this matter is currently scheduled for 2:30 pm. on Wednesday, March 26, 2008.

2. The parties request that this hearing be continued until 2:30 p.m. on Wednesday, April 9, 2008, in order to provide defendant's counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or file motions and to prepare for trial in this matter. Defendant's counsel only recently began representing defendant and substituted in as counsel in this matter at the prior hearing on March

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 2, 2008.

2 3. Specifically, defendant's counsel needs the continuance in order to further review
 3 the evidence in this case with the defendant, in particular the video/audio recordings of the
 4 charged transactions, and the nature and substance of defendant's criminal history as it relates to
 5 the government's proposed plea agreement and the impact of defendant's criminal history on any
 6 sentence that may be imposed, and to develop a motions and/or trial strategy in light of that
 7 discovery and defendant's criminal history. The parties believe that failure to grant the above-
 8 requested continuance would deny defendant's counsel and defendant the reasonable time
 9 necessary for effective preparation taking into account the exercise of due diligence and that the
 10 ends of justice served by continuing the case as requested outweigh the interest of the public and
 11 defendant in a trial within the date prescribed by the Speedy Trial Act.

12 IT IS SO STIPULATED.

13 JOSEPH P. RUSSONIELLO
 14 United States Attorney

15
 16 Dated: March 25, 2008

17 /s/¹
 18 GARTH HIRE
 Assistant United States Attorney
 Attorney for United States of America

19 Dated: March 25, 2008

20 /s/
 21 SCOTT FURSTMAN
 Attorney for Defendant
 Lauro Corral

22
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 27 ¹ I hereby attest that I have on file all the holograph signatures for any signatures indicated
 28 by a "conformed" signature (/s/) within this e-filed document.

[PROPOSED] ORDER

FOR GOOD CAUSE SHOWN, THE COURT ADOPTS THE FINDINGS OF FACT AND CONCLUSIONS OF LAW STIPULATED TO BY THE PARTIES. THEREFORE, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled March 25, 2008, hearing for disposition or trial setting is vacated. A hearing for disposition or trial setting is now scheduled for 2:30 p.m. on Wednesday, April 9, 2008.

2. The time period from March 25, 2008, to April 9, 2008, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(8)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence. The Court finds that nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which trial must commence.

DATED: _____

HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE